

REMARKS

Claims 1-6 are pending in this application, of which claim 1 has been amended and claim 6 is newly added.

Claims 1, 2 and 5 stand rejected under 35 U.S.C. §103(a) as unpatentable over U.S. Patent 4,274,335 to Boland (hereafter "**Boland**").

Applicant respectfully traverses this rejection.

Boland discloses a monorail type vehicle which is suited for high speed travel on a street or at various locations above a street. The vehicle comprises a motor driven tandem wheel carriage engaging an overhead monorail and a gondola suspended from the carriage by means of an elongated boom having one end pivotally and hydraulically connected to the carriage and having a free end mounting a series of hydraulic cylinders and links operatively connected to the rear of the gondola for raising and lowering the gondola as desired. The Examiner has urged that wheels 6, 7 of **Boland** correspond to the first and second wheels recited in claim 1, while wheel 9 corresponds to the third wheel recited in claim 1.

The Examiner has admitted that **Boland** fails to disclose the "first, second and third wheels having a specific posturing and distance between them," as recited in claim 1, but he has urged that such posturing and distance arrangement would be a mere design choice based upon the desired loading of the wheels by the weight of the vehicle.

Applicant respectfully disagrees. FIGS. 6A and 6B and page 6, line 21 to page 7, line 14 of the specification of the instant application disclose how the specific arrangement of the first wheel positioned between the second and third wheels permits better gripping of the rail by the first and third wheels when passengers sit on seats 16 positioned above the second wheels. So, this wheel arrangement is not a mere design choice but instead is a novel benefit which could not be obtained by one of ordinary skill in the art without undue experimentation.

In brief, according to the present invention, an increased gripping force can be obtained between the rail 1 and the first wheel 20 of the drive wheel at a slope region of the rail, as compared with a horizontal region of the rail. Consequently, it is possible to stably provide smooth running of the vehicle at the slop region as well as the horizontal region without slippage of the drive wheel at the slope region.

Furthermore, the vehicle of Boland is arranged below the rail, while the vehicle of the present invention is arranged above the rail. Accordingly, new dependent claim 6 has been added which recites this feature.

Thus, the 35 U.S.C. §103(a) rejection should be withdrawn.

Claims 3 and 4 stand rejected under 35 U.S.C. §103(a) as unpatentable over Boland in view of U.S. Patent 3,092,039 to Lich (hereafter "Lich").

Applicant respectfully traverses this rejection.

Lich discloses a suspended system having an auxiliary wheel 12 rotatable on a side surface of the rail under at least one of the first and second wheels but, like the other cited reference Boland, fails to teach, mention or suggest the novel arrangement of first, second and third wheels, as recited in claim 1, from which claims 3 and 4 depend.

Thus, the 35 U.S.C. §103(a) rejection should be withdrawn.

In view of the aforementioned amendments and accompanying remarks, claims 1-6, as amended, are in condition for allowance, which action, at an early date, is requested.

The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 04-1105.

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Respectfully submitted,

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